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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,258	08/27/2003	David S. Benco	27-20-20-21-20	7204

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EXAMINER

RIVERO, ALEJANDRO

ART UNIT PAPER NUMBER

2618

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/649,258	<b>Applicant(s)</b> BENCO ET AL.	
	<b>Examiner</b> Alejandro Rivero	<b>Art Unit</b> 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: METHOD FOR CALL TRANSFER BETWEEN FIRST AND SECOND COMMUNICATION UNITS OF A PARTY WHILE ENGAGED IN AN ACTIVE CALL.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it contains the phrase "Methods are disclosed" (in line 1), which can be implied. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

3. Claim 6 is objected to because of the following informalities:

In line 2, the examiner respectfully suggests replacing "determining" with "determine". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6 and 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Dorenbosch (US 2003/0073431 A1).

Consider claim 1, Dorenbosch discloses a method comprising the steps of: receiving, from a party engaged in an active call (Paragraph [0059]), a request for transfer of the call from a first communication unit to a pre-provisioned second communication unit associated with the party (Abstract, paragraphs [0006]-[0010] and [0046]); consulting a database to determine the second communication unit (Paragraph [0046]); while maintaining a telephonic connection to the first communication unit, attempting to establish a telephonic connection to the second communication unit (Abstract, paragraphs [0006]-[0010] and [0046]); if the connection to the second communication unit is established, dropping the connection to the first communication

unit, thereby transferring the call from the first communication unit to the second communication unit of the party (Paragraph [0053]).

Consider claim 6, Dorenbosch discloses wherein the step of consulting a database comprises consulting the database to determine a directory number of the second communication unit (Paragraph [0056]).

Consider claim 8, Dorenbosch discloses a method comprising; maintaining a database including indicia of at least a first communication unit and indicia of a second communication unit to which call transfers may be directed from the first communication unit (Paragraph [0046]); receiving, from the first communication unit, a call transfer request (Abstract, paragraphs [0006]-[0010] and [0046]); consulting the database to determine the second communication unit (Abstract, paragraphs [0006]-[0010] and [0046]); and transferring the call from the first communication unit to the second communication unit (Abstract, paragraphs [0006]-[0010] and [0046]).

Consider claims 2 and 11, Dorenbosch discloses all the limitations as applied to claims 1 and 8 above and also disclose wherein the step of receiving a call transfer request is accomplished without receiving a directory number of the second communication unit (Abstract, paragraphs [0006]-[0010] and [0046]).

Consider claims 3 and 9, Dorenbosch discloses all the limitations as applied to claims 1 and 8 above and also disclose wherein the first communication unit comprises a mobile phone and the second communication unit comprises a landline phone associated with a party (Abstract, paragraphs [0006]-[0010], [0046] and [0054]).

Consider claims 4 and 10, Dorenbosch discloses all the limitations as applied to claims 1 and 8 above and also disclose wherein the first communication unit comprises a landline phone and the second communication unit comprises a mobile phone of the party (Abstract, paragraphs [0006]-[0010], [0046] and [0054]).

Consider claim 12, Dorenbosch discloses all the limitations as applied to claim 8 above and also disclose wherein the step of transferring the call comprises: while maintaining a telephonic connection to the first communication unit (Paragraph [0059]), establishing a telephonic connection to the second communication unit (Abstract, paragraphs [0006]-[0010] and [0046]); after the connection to the second communication unit is established, dropping the connection to the first communication unit (Paragraph [0053]).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch in view of Chow et al. (US 6,587,683 B1).

Consider claims 5 and 7, Dorenbosch discloses all the limitations as applied to claim 1 above and also discloses determining a directory number of the first communication unit (Paragraph [0046], reads on claim 7)

However, Dorenbosch does not disclose consulting a database to determine an enablement status of the first communication unit to invoke a call transfer to the second communication unit; if the first communication unit is not enabled to invoke the call transfer, sending a message to the first communication unit indicating that the requested transfer is not enabled (as in claim 7) or if the connection to the second communication unit is not established; sending a message to the first communication unit indicating that the requested transfer did not occur (as in claim 5).

Chow et al. disclose consulting a database to determine an enablement status (authorization) of the first communication unit to invoke a call transfer to the second communication unit (Abstract, column 3 lines 25-48, column 4 line 57-column 5 line 18, column 34 lines 22-27 and column 49 lines 35-43); if the first communication unit is not enabled to invoke the call transfer, sending a message to the first communication unit indicating that the requested transfer is not enabled (Abstract, column 3 lines 25-48, column 4 line 57-column 5 line 18, column 34 lines 22-27 and column 49 lines 35-43) or if the connection to the second communication unit is not established; sending a message to the first communication unit indicating that the requested transfer did not occur (Abstract, column 3 lines 25-48, column 4 line 57-column 5 line 18, column 34

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lines 22-27 and column 49 lines 35-43, where Chow et al. disclose a message indicating that the transfer is not allowed, hence connection not established).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to improve the method of Dorenbosch by verifying enablement (authorization) and displaying a message indicating no enablement (hence no connection established) to the user, as taught by Chow et al., in order to allow the users to make call transfers only when authorized (for example, if performing the call transfer would incur in additional charges, the user might be inclined to deactivate the feature) and in case a user is not authorized to make a call transfer, inform the user why the request was denied.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamamoto et al. (US 2002/0004385 A1) disclose a mobile telephone with call transfer function.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alejandro Rivero whose telephone number is (571) 272-2839. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature, possibly reading "AR", enclosed within a large, stylized loop.A handwritten signature that reads "Nick Corsaro".  
**NICK CORSARO  
PRIMARY EXAMINER**